IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 368 OF 2006.

1. Amira A. Razaq,
daughter of late Shri Abdul Razaq,
major, unmarried, Advocate,
resident of Mubarak Manzil,
Opp. Electricity Dept. Staff Qtrs.,
Aquem, Margao, Goa.

2. Mrs. Sayeeda A. Razaq,
wife of late Shri Abdul Razaq,
major, married, housewife,
resident of Mubarak Manzil,
Opp. Electricity Dept., Staff Qtrs.,
Aquem, Margao, Goa. ..... Petitioners.

Versus

1. Shri Manguesh R. Wagle,
major, married;

2. Smt. Smita M. Wagle,
wife of Shri Manguesh Wagle,
major, both residing at
Wagle Bldg., Dr. Dada Vaidhya Road,
Panaji, Goa. .... Respondents.

Mr. M.S. Usgaonkar, Senior Advocate with Mr. I. Agha, Advocate for the Petitioners.

Mr. S.D. Lotlikar, Senior Advocate with Ms. S. Rao, Advocate for the Respondents.

CORAM: P. V. KAKADE, J.

DATE: 30th AUGUST, 2006.

ORAL JUDGMENT:

Heard learned counsel for both the parties.

2. Rule. Rule made returnable forthwith.

3. This petition under Article 227 of the Constitution of India is to seek directions to the effect that Regular Civil Suit No. 279/2000/ presently pending before the Court of Civil Judge Junior Division, 'D' Court, Panaji be placed for hearing and final disposal before any other Court of the Civil Judge Junior Division, Panaji and suitable directions be issued to dispose of the suit within time bound programme.

4. After hearing both the parties and taking into account the relevant aspects involved in this matter, I am clearly of the view that the matter is not covered by Article 227 of the Constitution of India as sought to be canvassed. Therefore, without going into the details, the present petition is being disposed of with certain directions.

5. It appears that the present petition is prompted due to the fact that the petitioner no.2 is a senior citizen and the other plaintiffs in the suit are above the age of 70 years. The matter is relatively old and therefore there is an anxiety to get it adjudicated at the earliest, but cannot be so done as the Court of Civil Judge Junior Division, Court ' D ', Panaji is lying vacant. For that purpose the report of the District and Sessions Judge, Panaji was called for and is duly received, from which it can be seen that

posting of a judicial officer in the said Court may take some time due to technical aspect. However, taking into account the ground prayed for by the petitioners, I am inclined to observe that the petitioners would be at liberty to move the District Court, Panaji for seeking transfer or any other suitable directions so as to get the hearing of the suit expedited. The District Judge, Panaji shall act on the application, if so made, suitably without any delay.

With the above directions, the petition stands disposed of.

P. V. KAKADE, J.

sl.